

**Annex 1**

**Ramsgate Port and Harbour Cabinet  
Advisory Group  
Terms of Reference**

**September 2014**

## 1. Introduction

### 1.1. Basis of preparation

The terms of reference for the Ramsgate Port and Harbour Cabinet Advisory Group (the “CAG”) has been prepared with regard to the following:

- Port and Harbour related Acts (as defined in section 3.1)
- Constitution for the Governance of Thanet District Council (the “Council’s Constitution”)  
<http://democracy.thanet.gov.uk/documents/s35863/Constitution%20for%20Governance%20of%20Thanet%20District%20Council%20-%20updated%205%20December%202013.pdf>
- Opportunities for Ports in Local Authority Ownership – A Review of Municipal Ports in England and Wales  
<http://webarchive.nationalarchives.gov.uk/20100513185438/http://www.dft.gov.uk/pgr/shippingports/ports/opportunities/rtnitiesforportsinlocal4960.pdf>
- Modernising Trust Ports – A Guide to Good Governance- Second Edition  
<http://assets.dft.gov.uk/publications/modernising-trust-ports-guide/mtp-good-guide-to-governance.pdf>

### 1.2. Compliance with the Council Constitution

The CAG is a formally constituted advisory group to the Cabinet of Thanet District Council. These Terms of Reference have been drawn up to provide a guide to members of the CAG, on its role and functions within the Council. The Legal Services Manager and Monitoring Officer will continue to give guidance on constitutional issues as they arise. That guidance will be given in accordance with the Council’s Constitution, whose terms will always prevail over these Terms of Reference.

### 1.3. Conformity with recommendations of national government

The Terms of Reference seek to follow, as far as is practicable, the recommendations of national government more specifically set out in the publications of the Department of Transport ‘Modernising Trust Ports – A Guide to Good Governance’ – Second Edition” and ‘Opportunities for Ports in Local Authority Ownership – A Review of Municipal Ports in England and Wales’.

## **2. Strategic objectives and constraints of the CAG and the Council**

### **2.1. Objective of the CAG**

This objective of the CAG is to support the council's principal aims as set out in its Corporate Plan 2012-16, especially in relation to supporting the growth of Thanet's economy and the number of people in work.

### **2.2. Constraints on the CAG:**

To provide advice to the Executive and officers to achieve the following basic requirements:

- To be financially self-sufficient
- To comply with applicable legal and regulatory requirements
- To deliver to the best practice of open and transparent governance

## **3. Terms of Reference**

### **3.1. The terms of reference of the Ramsgate Port and Harbour CAG ("the Terms of Reference") are as follows:**

- (a) To provide advice and direction to Cabinet and officers on the exercise of the functions of the Council under relevant legislation (including byelaws), which may apply from time to time in respect of the Council's functions with regard to the administration and management of the port and harbour
- (b) To advise on the discharge of these functions within the overall policy discretion set by the Council and within a ring fenced budget as far as possible.
- (c) To provide strategic advice in all matters relating to Ramsgate Port and Harbour, including port and harbour land and property.
- (d) To advise on the proper discharge the Council's duties and powers, as a Competent Port and Harbour Authority, in relation to marine safety and the safe use of all port and harbour lands in accordance with the Port Marine Safety Code.
- (e) To ensure that it is open and accountable in all its activities.
- (f) To strive to make Ramsgate Port and Harbour financially self-sustaining.
- (g) To have due regard to the changing needs of the marine sector and others with an interest in the port activities of Ramsgate Port and Harbour.
- (h) To have due regard to the interests of the local community in the running of the Ramsgate Port and Harbour and in particular to recognise the contribution which the port and harbour makes to the economic wellbeing of the area through both direct and secondary employment and purchasing.

- (i) To submit to the Executive in November each year, via the Director of Operational Services and Portfolio Holder, a five year capital programme including funding proposals and five year revenue projections.
- (j) To monitor and advise on revenue and capital expenditure associated with the port and harbour.

## **4. Constitution of the CAG**

### **4.1. Membership of the CAG**

#### **4.1.1. The CAG**

The CAG shall consist of 7 members: comprising 5 councillors and 2 external members agreed by the Cabinet Member for Operational Services.

All members of the CAG shall participate in training programmes to understand the duties and responsibilities involved in the Council running the port and harbour and to assist their advice to Cabinet and Officers.

The CAG is an advisory body and cannot exercise delegated authority on behalf of the council.

#### **4.1.2. External members**

The external members shall have full voting rights on all matters before the CAG and be appointed on merit, based on their knowledge of the maritime matters, in order to obtain a CAG that is independent and fit for purpose.

The external CAG members will be appointed so that they provide a full range of maritime business expertise.

### **4.2. Meeting arrangements**

#### **4.2.1. Time and place of meetings**

The CAG shall meet at least 4 times per year and the meetings will be held at the Ramsgate Harbour Office.

#### **4.2.2. Notice and agenda for meetings**

Notice to members of the CAG and the public of the time and place of the meeting will be given at least five clear working days before the meeting. An agenda for the meeting together with such reports and background papers as are available will be provided with the notice.

#### **4.2.3. Motions**

CAG members may put forward motions for consideration by the CAG provided that written notice is given to the Democratic Services no later than eight clear working days before the date of the meeting.

#### **4.2.4. Quorum**

The quorum for a meeting shall be at least four members.

#### **4.2.5. Voting**

Any matter will be decided by a simple majority of those CAG members present and voting in the room at the time the matter was put. The Chairman will have, where necessary, a casting vote.

#### **4.2.6. Declarations of interest**

##### Personal Interest

If a CAG member has a personal interest (as defined in the Members' Code of Conduct) and attends a meeting of the CAG where that matter is to be discussed they must disclose to that meeting the existence and nature of that interest at the commencement of that discussion or when the interest becomes apparent.

##### Prejudicial interest

If the personal interest is prejudicial, (that is, if the interest is one which,

- (a) Is not a decision listed in paragraph 10(2)(c) of the Code
- (b) Affects a member's financial interests or relates to a licensing or regulatory matter and
- (c) A member of the public who knows the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest)

Then the member shall declare their interest and withdraw from the meeting until discussion of the relevant matter is concluded.

The principles set out in this section would apply to external members of the CAG.

#### **4.2.7. Public participation**

The public has the right to:

- (a) See non confidential reports and background papers and any records of advice provided by the CAG;
- (b) Attend CAG meetings as observers except during those times when confidential or exempt information is likely to be disclosed;

#### **4.2.8. Minutes**

Minutes of the CAG meeting will be taken and will contain all motions and amendments in the exact form and order put to the meeting.

The Chairman will sign the minutes of the CAG meeting at the next suitable meeting.

#### **4.3. Rules of Procedure, Codes and Protocols**

##### **4.3.1. Rules of procedure**

The CAG is subject to the Council's Rules of Procedure as set out in the Council's Constitution.

##### **4.3.2. Council's Codes and Protocol**

All members of the CAG are subject to the Council's Codes and Protocols as set out in the Council's Constitution. The principles of these will apply to external members of the CAG.

#### **5. Strategy and Business Planning**

##### **5.1. Business development plans**

The CAG shall draw up an annual business development plan for Ramsgate Port and Harbour (the "Business Development Plan") setting out proposed strategic budgetary and development plans for a forward period of five years. The Business Development Plan shall be submitted annually to Cabinet for approval.

The Business Development Plan shall form the basis on which the CAG will draw up more detailed implementation plans from time to time.

An outline of the Business Development Plan of the CAG shall be included in the CAG's Annual Report, as described in section 7.1.

#### **6. Financial arrangements**

##### **6.1. Annual budgets**

Annually, in accordance with the Council's established timetable, the CAG shall prepare and submit for approval and adoption by the Executive a proposed budget of the revenues, expenditure, capital expenditure and financing plans for the Port and Harbour for the forthcoming year in accordance with the Council's budgetary and policy framework rules and in accordance with the Medium Term Financial Strategy.

##### **6.2. Five year forecasts**

Annually, in accordance with the Council's established timetable the CAG shall prepare and submit for approval and adoption by the Executive a forecast of the revenues, expenditure, capital expenditure and financing plans for the Port and Harbour for the following five years.

### **6.3. Financial reporting**

The CAG shall prepare a statement of revenues, expenditure, capital expenditure and financing at each six month interval in the financial year to show the actual results achieved for the cumulative six month period in comparison with the Port and Harbour budget. The CAG shall also make a forecast of the most likely out-turn for the full financial year. In each case, a description of the differences between the actual results achieved and the budget or prior forecast of the most likely out-turn shall be provided.

The CAG shall present an analysis of the financial performance of the Port and harbour for the immediately preceding financial year for inclusion in the Annual Report.

### **6.4. Assured (ring-fenced) accounts**

In accordance with the recommendations of the Department for Transport, as set out in 'Opportunities for Ports in Local Authority Ownership – A Review of Municipal Ports in England and Wales', and as indicated in point 2 of the CAG's Terms of Reference set out in section 3.3, the CAG seeks to advise and direct the activities of the Port and Harbour within a ring-fenced budget on the basis of assured accounting arrangements.

## **7. Annual report**

### **7.1. Annual Report**

No later than six months after the end of its financial year, the CAG will prepare an annual report (the "Annual Report") which will include, but not be limited to, an outline of the following:

- Activities undertaken and progress achieved
- Business development plans
- Financial results and budget
- Changes to CAG membership